

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ARNOLD CHAPMAN, individually and as the representative of a class of similarly-situated persons,

Plaintiff,

Y.

CARNEGIE FINANCIAL, INC.

Defendant.

Case No. 08 CV 3049

## Judge Hibbler

Magistrate Judge Nolan

**JOINT REPORT OF PARTIES AND**  
**PROPOSED SCHEDULING AND DISCOVERY ORDER**

Pursuant to Federal Rules of Civil Procedure 26(f) and 16(a), an initial conference of the parties was held on July 29, 2008 with attorneys Brian J. Wanca on behalf of Plaintiff and Jeremy Berman on behalf of Defendant participating.

**I. SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AND AGREED TO AS FOLLOWS:**

1. Discovery shall be conducted in phases and shall focus on the class certification issues pursuant to FRCP 23.
2. There shall be no changes made in the limitations on discovery imposed under the Federal Rules of Civil Procedure or by Local Rule, and no other limitations on discovery need to be imposed at this time.
3. The parties reserve the right to request imposition of additional limitations or focus on specific issues if necessary.
4. The parties have discussed issues relating to the disclosure or discovery of

electronically stored information (“ESI”). The parties agree that ESI issues relating to disclosure or discovery are not presently thought to be a concern. Notwithstanding, the parties agree that to the extent that a discovery request requires the production of ESI, such ESI will be produced in paper form. The parties further agree to readdress ESI issues in the future should production in paper form prove inadequate or infeasible.

5. The parties agree to the procedures contained in Rule 26(b)(2)(B) of the Federal Rules of Civil Procedure as it pertains to issues relating to claims of privilege or work product protection, i.e., are not entering into a “Clawback Agreement” at this time. Notwithstanding, the parties further agree to readdress the procedures contained in Rule 26(b)(2)(B) of the Federal Rules of Civil Procedure in the future should those procedures prove to be inadequate or infeasible.
  - A. All Rule 23 fact discovery commenced in time to be completed by February 27, 2009.
  - B. Reports from retained experts for class discovery issues (Rule 23) under Rule 26(a)(2) of the Federal Rules of Civil Procedure are due:
    1. from Arnold Chapman by March 31, 2009; and
    2. from Carnegie Financial by April 30, 2009.
  - C. Supplemental Reports from retained experts under Rule 26(a)(2) of the Federal Rules of Civil Procedure, if at all required, are due:
    1. from Arnold Chapman by May 31, 2009; and
    2. from Carnegie Financial by June 30, 2009.
  - D. All expert discovery on class issues (Rule 23) commenced in time to be

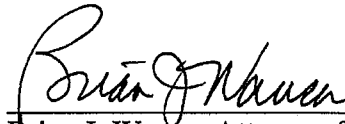
completed by July 31, 2009.

- E. Supplementation under Rule 26(e) of the Federal Rules of Civil Procedure are due as required under said rule.

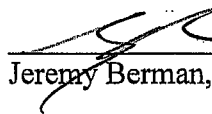
**II. OTHER ITEMS.**

- A. Settlement. The parties cannot evaluate the likelihood of settlement prior to the exchange of the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, i.e., August 1, 2008. The parties are not optimistic that further settlement discussions will be successful.
- B. Class Action Certification. All motions concerning certification of a class pursuant to Rule 23 of the Federal Rules of Civil Procedure shall be filed on or before July 31, 2009.
- C. The parties request a further status conference with the court after the court has ruled on the Plaintiff's Rule 23 Motion for Class Certification.

Respectfully submitted,



Brian J. Wanca, Attorney for Plaintiff



Jeremy Berman, Attorney for Defendant

**CERTIFICATE OF SERVICE**

I, Jeremy M. Berman, attorney for Carnegie Financial, Inc., hereby certify that on this 29<sup>th</sup> day of July, 2008, I caused a true and correct copy of the foregoing **Joint Report of Parties and Proposed Scheduling and Discovery Order** to be filed electronically with the ECF system for the United States District Court for the Northern District of Illinois, and thereby served upon the following ECF-registered participants:

Brian J. Wanca, Esq.  
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/s/Jeremy M. Berman

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